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February 22, 2012

The Honorable John Gleeson
The Honorable Nicholas Garaufis
United States District Judges
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, N.Y. 11201

U.S.A. v. Joseph Mermelstein, 12 CR 0099 (JG)

Your Honors:

On behalf of my client, Mr. Joseph Mermelstein, I request, pursuant to Local Rule 50.3.2(d), that his case “be reassigned to the original judge on the ground that it was not properly related,” but I also request that Your Honors take this request under advisement and not rule on it until either (i) Mr. Mermelstein retains private counsel, as he has indicated he intends to do, and such counsel has had the opportunity to consider whether to pursue or withdraw this request, or (ii) if Mr. Mermelstein does not retain private counsel, I have received the government’s discovery, have had time to review such discovery and other material to evaluate the factual basis for the government’s position that the cases are related (as set forth in its letter to the Court of February 6, 2012), and have had adequate opportunity to consider whether to pursue or withdraw this request.

Thank you for your attention to this matter.

Sincerely,



Douglas G. Morris
Assistant Federal Defender
(718) 330-1209

cc: Assistant U.S. Attorney Charles Kleinberg

Clerk of the Court

Mr. Joseph Mermelstein, Inmate #72373-053